



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

January 31, 2007

Mr. Edward Speshock
Food Stamp Program
Program Accountability Division
Food and Nutrition Service
State Administration Branch, USDA
3101 Park Center Drive
Alexandria, Virginia 22302

Dear Mr. Speshock:

Thank you for the opportunity to comment on USDA's proposed rule published in the Federal Register Volume 71, No. 236, on Friday, December 8, 2006. The proposed rule titled *Disqualified Recipient Reporting (DRS) and Computer Matching Requirements That Affect the Food Stamp Program* amends Title 7 CFR parts 272 and 273 regarding administration of the Food Stamp Program.

The state of Washington appreciates that administration of the Food Stamp Program is a federal/state partnership. As partners, we must ensure that we provide this important nutritional resource to eligible people in a timely and efficient manner.

Although we agree that states generally want greater flexibility to implement program administrative responsibilities, we strongly disagree with the assertion that a heavily-prescribed process for all states adds administrative flexibility or improves program operations.

The proposal invites states to submit requests for waiver of discretionary provisions of the proposed rule in cases where the state can demonstrate procedures that would be more effective or efficient. We propose that the Department of Agriculture consider an alternative method that abandons a one-size fits all approach and recognizes the diversity in state program operations.

The proposal creates a significant workload and unnecessary burdens on state agencies by:

- Requiring states to modify automated systems to conform to data matching requirements beyond the scope of federal statute;
- Mandating up-front matching of DRS, Prisoner, and Death records prior to certification and recertification;
- Requiring independent verification of information obtained by data matching;
- Requiring validation of established disqualifications; and
- Setting an unreachable goal of implementing the finalized rule within 60 days of publication.

We strongly believe the proposed rule increases administrative burden and jeopardizes timely service to low-income households without significantly improving program operations or positive client outcomes.

The proposed rule attempts to fix a process that has no evidence of being broken. Nationally, Food Stamp error rates are at an all-time low. In Washington State, we have had zero errors as a result of disqualified, deceased, or imprisoned person participating in the program.

We recommend that USDA codify only mandatory provisions regarding data matching and records retention. This would allow states the freedom to design a system that meets the intent of the law without creating a highly-regimented process.

We also request that implementation requirements of the final rule allow states to develop comprehensive policies and the necessary information technology systems changes to meet the new requirements. With integrated computer systems processing eligibility for TANF, Food Stamps, and Medicaid, systems changes can take a year or more before they can be put in place.

Below are our section-by-section comments on the proposed rule. Thank you for offering this opportunity to express our concerns prior to issuing the final rule.

§ 272.1 General terms and conditions. (f) *Retention of records.*

The new requirement for states to retain case records relating to Intentional Program Violation on an indefinite basis or until a person's 80th birthday is unduly burdensome for state agencies.

Maintaining these records according to the proposed rule could impact facility costs and staffing requirements without evidence that the proposed process would improve program operations. Developing a process to purge the indefinitely-held historical disqualification records for relevance, completion, and accuracy again adds to the administrative effort and expense with no real gain.

§ 272.12 Computer matching requirements.

The requirement to independently verify the information received through a computer matching system, before taking adverse action, presents a significant barrier to states providing benefits to households in a timely manner. This requirement, coupled with the requirements to match program information prior to certification, is problematic. These burdensome requirements put states in the untenable situation of choosing between acting on unverified computer match information, certifying households untimely, or certifying households including a disqualified individual.

The mandate for states to respond to multiple requests to validate disqualification information related to this section requires an incredible amount of additional administrative effort, without providing a service to the residents of Washington or the hungry nationwide.

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§ 273.2 Application processing.

We are greatly concerned about the adverse impact requiring matches at certification and recertification coupled with the requirement for independent verification of matches before taking adverse action.

Requiring *regular matches* against these sources (no less than annually) with state flexibility on the timing of such matches would minimize disruption in client service. This alternative process would also increase the overall use of data matches to ensure that only eligible households participate in the Food Stamp Program.

We appreciate the opportunity to provide feedback on the changes proposed changes to the Food Stamp Program. It is our sincere hope that we can assist USDA in developing a process that ensures program integrity in a way that is manageable for states and provides for timely customer service.

Sincerely,

Duane M. French

Duane M. French, Director
Division of Employment and Assistance Programs

cc: Deb Marley
Sam Senn
Barbara Bucsko
Leo Ribas
Mike Hart
Glynnis Ashley
John Camp